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"Racial Diversity ... let's do it justice"



A RACE RELATIONS GUIDE FOR STAFF OF THE MINISTRY OF THE ATTORNEY GENERAL



Ministry of
the Attorney
General

Ontario



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RACIAL DIVERSITY – THE ISSUES

The multicultural and multiracial diversity of Ontario means that the Ministry of the Attorney General must ensure that justice services — among the most vital offered by government — are delivered in a way which ensures that all Ontarians are treated equitably and fairly.

The Government of Ontario has adopted policies and programs which acknowledge that racial minorities often encounter barriers which prevent their equitable and full participation in society. Translating these policies and programs into action is a demanding and complex challenge ... but it is one we cannot afford to ignore.

Why do we need to talk about racial diversity?



We have to talk about race relations because otherwise, most of us will avoid the subject. Yet, avoiding the issue will not make it go away. Racial discrimination continues to confront racial minorities born in Canada. Immigrants, often whose first language is not English, confront both language and racial barriers.

We must recognize that the demographics of Ontario are changing. Our economic prosperity is contingent on continuing to attract immigrants and on letting everyone use all of their skills regardless of race or origin.

The challenge is to address these issues in a way which increases our tolerance, understanding and job satisfaction. Beginning by talking about racial diversity is a step in the right direction.

What is Race Relations?

Race Relations is a term which refers to the relationships among racial groups in society. It is based on the recognition that bias and discrimination exist and must be addressed in order to ensure a harmonious, just, and equitable society. Establishing good race relations involves identifying discriminatory barriers and dismantling them in order to create equal access and participation for everyone.



Improving race relations is not a simple task. Overnight results cannot be expected. Good intentions are not enough. The issue is vitally important to our changing work environment and requires the commitment of everyone — from senior management through to line staff.

Why the Ministry of the Attorney General?

The Ministry has recently initiated a number of internal race relations studies to determine if its policies and operations meet the needs of all of the people of Ontario. While the studies acknowledge that Ministry staff are well motivated and that with the assistance of training, they can and will improve their ability to serve a multiracial and multicultural public, they also identify a number of problem areas. Some of the problem areas identified suggest that:

(1) The frequently differing needs and requirements of racial minorities are not always taken into consideration when services are provided. As a result, individuals from these groups may not be adequately served.

(2) Ministry employees have not generally been provided with the appropriate background and training to know how to approach and how best to serve immigrants, Native peoples and racial minorities. This has led minorities to complain that Ministry services are “not accessible to them.”

(3) Racial minorities are under-represented in many areas of the Ministry workforce, especially in senior management positions. This encourages the perception among racial minorities that “it is not our system” and that “people who make the decisions do not understand us.”

(4) Racial minorities and immigrants may be under-using existing services because they are unaware of them.

(5) Racial minorities believe they are under-represented at all levels in the system which tries them: the judges who decide their cases, the counsel who defend them, the Crown Attorneys who prosecute them and the juries who judge them. As a result, racial minorities widely believe they are convicted more frequently and receive longer

sentences than white offenders when charged with the same criminal offence. "We get more time for the same crime."

(6) Clients who have difficulty communicating in English or French are likely to receive a less consistent level of service in most Ministry offices.

In interviews conducted with a sample of Ministry staff, most people acknowledged their lack of awareness and information about race and ethnic relations. Moreover, many felt that "there is nothing they need to know, especially with respect to race, in order to perform their jobs effectively."

We need to address these perceptions for a number of reasons. First, our business is justice. Our Ministry's mandate is about fair play for all. In dealing with us, in particular, everyone must receive, and feel they are receiving, fair and equitable treatment tailored to each person's needs.

Second, there are the demographic realities. Ontario is an immigrant society whose people are drawn from every geographical, social, economic, political, cultural, religious and ethnic background. According to 1986 Census data, the racial minority population of Ontario — including Canadian born as well as immigrants — is 10%; in Metro Toronto it is approximately 18%. The proportion of immigrants from areas such as Asia, South and Central America, the Caribbean, and Africa, has significantly increased and is expected to continue to grow.

Third, there is the legal mandate and government policy. The principle of equality, as a fundamental and universal right in Canadian society, is incorporated in the:

- (1) Canadian Charter of Rights and Freedoms
- (2) Ontario Human Rights Code
- (3) Ontario Policy on Race Relations
- (4) Ontario Public Service Employment Equity Program
- (5) Ontario Policy on Multiculturalism
- (6) Canadian Multiculturalism Act
- (7) Canadian Human Rights Act

In both policy and legislation, these documents enshrine the right to equitable treatment and freedom from discrimination and commit the government to the elimination of unintentional discriminatory barriers which prevent minorities from full participation in society.

Where do we begin?



The essence of race relations for the Ministry is to promote access, equity and full participation by racial minorities in its programs and services. The state of race relations within the Ministry can be measured by the following criteria:

ACCESS: The extent to which needed services are fully available to, and used by, racial minorities.

EQUITY: The extent to which services and opportunities are free from bias.

PARTICIPATION: The extent to which racial minorities are represented and involved in the planning, development, delivery and administration of services. This includes representation at management level and on Ministry agencies, boards and commissions.

ATTITUDES: In working with or serving people who are of different racial origins, our personal attitudes are important. Attitudes can range from fear, hostility, and uncertainty, to full understanding of different needs. Negative or uncertain attitudes tend to perpetuate negative stereotypes about people. While they may seem harmless, even mildly negative or uncertain attitudes often affect the way we treat others. They can engender distrust and heighten racial tension, making it difficult to serve everyone appropriately.

BEHAVIOUR: When negative attitudes translate into behaviour, discrimination is more apparent. Some discriminatory behaviour is obvious, such as refusing to hire a qualified job applicant because he or she is a racial minority. Other behaviour is more subtle, such as being less helpful to a racial minority client than to a White client. Body language, tone of voice, degrees of patience and helpfulness — all these behaviours can reveal prejudices. While they may not be obvious, these subtle actions are often noticed by racial minor-

ity clients ... and make them feel as if they are receiving inadequate service.

INSTITUTIONAL PRACTICES (Systemic Discrimination): Racial discrimination exists in institutional practices which provide different advantages and privileges to people of different races. This type of discrimination is also referred to as “systemic discrimination” because it is rooted in the system. Some examples of systemic discrimination are:

- Height and weight requirements: Until recently, these were used as criteria for employment in Ontario’s police forces. These measurements unfairly restricted entry of some racial minority groups who were smaller in stature than other groups, even though they may have been as fit and agile.
- Advertising employment opportunities by word of mouth: This practice often results in the exclusion of newcomers and racial minorities because they hear about these jobs less frequently.
- Advertising which does not include the depiction of racial minorities: This practice encourages the perception that racial minorities are not full participants in our society. It also reinforces a perception among minorities that because the message excludes them, the system or service was not meant for them.
- Length of service required by an employer: If the job requires skills which can be easily acquired, an otherwise qualified applicant without the requisite length of service could be eliminated.
- Culturally biased and non-job related tests: Some employers require prospective employees to take tests which are not job-related and which contain cultural biases. The result is that people who fail the tests are screened out whether or not they are otherwise qualified.
- The requirement of Canadian experience: A job advertisement which insists on Canadian experience will not attract people who may be otherwise qualified to do the work.

QUESTIONS AND CONCERNS

Do we really need to do anything? Won't racial discrimination go away?



There is no evidence to support the theory that 'time will cure everything'. Racial discrimination will not simply go away by itself.

Racial discrimination has existed in Canada since the beginning of our history. Policies and practices that are racially discriminatory have become institutionalized at all levels of society. Evidence of racism in Canadian history is compelling and pervasive. Canadian immigration policy for most of the 19th and 20th centuries (until 1962), specifically prohibited immigration from non-white countries. From the earliest periods of Canada's history, Blacks were discriminated against in employment, education and housing. The last segregated school for Black children closed in Ontario in 1965.

Chinese and Japanese Canadians and Canadians of South Asian origin were denied the right to vote from 1895 until 1948. They also were barred from certain professions such as law, while still subject to taxation. Chinese immigrants were unable to bring their families to Canada. Furthermore they were forced to pay a \$500 head tax as the price of admission to Canadian society and were prohibited from marrying Whites. Legislation barring them from admission to Canada lasted from 1924 to 1947. In 1942, Canadians of Japanese origin were physically removed from B.C. coastal areas in the name of wartime security. Most were interred, deprived of all rights and freedoms, had their properties sold with little or no compensation and were not allowed to return to their homes until 1946.

More recently, several studies of employment practices have revealed that racial minorities still experience widespread discrimination. In a 1985 study ("Who Gets the Work") using equally qualified pairs of White and Black job applicants, White applicants received three employment offers for every one received by Black applicants. A follow-up study in 1985 ("No Discrimination Here") found that 50% of 199 major employers interviewed made negative comments about racial minorities and only 9% clearly believed in racial equality. Surveys of racial attitudes

conducted from 1978 to 1989 have revealed a high level of racial intolerance. The 1978 study ("Dynamics of Racism") revealed that as much as 16% of the population exhibits blatantly racist attitudes, while another 33% have some racist tendencies. A poll conducted by Environics in 1989, found that 19% of Canadians believed that some races were superior to others and 13% would exclude Non-White groups from immigrating to Canada.

Shouldn't we treat everyone exactly the same?

Treating people identically does not always result in fair treatment. Treating everyone the same makes the assumption that all Ministry clients have exactly the same backgrounds and needs. Some practices may, however well intentioned, indirectly discriminate against minorities.

Special attention should be paid to the needs of people who come from different cultural, racial, linguistic and religious backgrounds.

For example, people from minority cultures which rely more heavily on the verbal exchange of information may have some difficulty in completing complex forms. A client whose spoken English may be perfectly adequate for daily communication, might still need help to understand printed questions on an application.

The practices in some cultures of showing respect by not making direct eye contact needs to be recognized so that it is not misinterpreted as avoidance. The tendency of some minorities to speak quickly needs to be understood so that staff does not assume that the person is being rude or aggressive. There may be situations where the client appears to agree and comprehend the instruction but fails to follow up appropriately. This could relate to either poor language comprehension, a fear of authority based on prior experience with government officials in a country of origin, or a reluctance to show disrespect by questioning the person in authority.

Many racial minority persons have difficulty adapting to the demands of the Court system. For example, in some Native cultures, it is not considered appropriate to "argue" with elders (i.e., people who are acknowledged to have authority). Some racial

It's going to cost too much at a time when we are already understaffed and underbudgeted.



How can race relations training increase productivity?

minority groups view personal assertiveness as an inappropriate communication style. As a result, many racial minorities do not know how, or do not believe it is appropriate, to defend themselves verbally in Court. For some, simply an appearance in court leads to feelings of helplessness and inadequacy. Court personnel have not been trained to deal in a culturally appropriate way with such people. Some minority people plead guilty rather than mount a defence on their own behalf.

Not knowing how to deal with people increases delay and confusion. Knowing how will speed things up and make everyone happier. Once the race relations training is done, proper service to all Ontarians is no more expensive and probably less costly.

Instituting race relations measures can improve the productivity of the Ministry by:

- increasing efficiency by freeing up staff time: A well served and satisfied client will be unlikely to return with the same questions.
- improving staff skills by learning to deal with a variety of conditions which arise from a diverse workforce and clientele: If you know how to better serve a racially diverse clientele, not only will the service itself be better and faster, but it will be professionally more satisfying.
- improving employee morale and increasing initiative.
- enlarging the pool of skilled applicants for job openings.

- reducing racial tension in the work place.
- lowering absentee and turnover costs.
- avoiding misunderstandings caused by cultural and linguistic barriers.
- promoting goodwill and respect between staff and clients.

MAKING THE CHANGE



As staff, we must recognize the importance of effective communication between individuals from different racial, cultural and linguistic groups. The challenge posed by diversity is to develop the knowledge and skills required in order to avoid the cumulative impact of misinterpretation and misunderstanding which can lead to hardened attitudes and unintended discrimination.

First, we need to look at our own personal attitudes and values.

Second, we need to look at our professional norms and behaviours.

Third, we need to understand the cultural influences on the values and norms by which we, and the Ministry as a whole, carry on business.

Fourth, we need to consider the Ministry's practices and procedures, and its policies and programs. Do they meet the particular service needs of racial minority clients?

Improving race relations demands a firm commitment to a program of action. Without this commitment to action, improved race relations is merely a well-intentioned ideal.

Every member of staff is responsible for considering his or her own personal and professional performance as it affects race relations. However, there are a number of issues that have to be addressed at the Ministry level.

The following briefly illustrates some of the measures that have been taken as part of a race relations program of action:

(1) The Creation of the Race Relations Committee of the Ministry of the Attorney General.

A Ministry-wide Race Relations Committee was established in 1986 with a mandate to incorporate an explicit race relations dimension into all Ministry policies, programs and procedures. A Ministry policy on race relations has now been adopted (see Appendix A).

The Committee has initiated a number of projects to review and assess the impact of current policies, programs, and procedures on racial minorities. The Committee's first project involved a review of programs, policies and procedures to determine the Ministry's responsiveness to the service needs of a multiracial and multicultural society. The results of this review led to a study of the services provided by Ministry Agencies, Boards and Commissions; consultation with the public to assess the community's perception of Ministry services; a review of racial discrimination issues in the justice system, a review of public legal education materials, and the development of a race relations training package.

The results of these reviews are beginning to provide us with information on some of the systemic barriers in the Ministry which inhibit access, equity and full participation by racial minorities.

These projects are also beginning to identify for us the special needs of different racial groups.

Ministry offices acknowledge that they suffer from a lack of information about the cultural backgrounds of some minority clients and cannot, therefore, make the best or the most appropriate decisions. Crown Attorneys, for example, have identified a need for training to help them identify how best to deal with issues of race and culture.

(2) Developing Initiatives Which Respond to the Perspectives and Needs of Racial Minorities.

The Ministry has established a Native Justice of the Peace program to train Native persons so that



they can qualify for appointment to this position. The Ministry funds, as part of this program, a 20-day training session to teach Native applicants the legal and procedural issues required for the position. This program has resulted in increased numbers of Native Justices of the Peace.

A policy directive from the Attorney General to the Crown Attorneys instructs them to seek harsher penalties for crimes which appear to be racially motivated. While this does not commit the judiciary to issue a stronger penalty, it does result in Crown Attorneys reminding Judges to consider racial motivation in their decision. Since Crowns have been making these submissions, the Judges have been issuing harsher penalties, thereby setting legal precedent for the future.

An example of current Ministry client service that responds to the needs of racial minorities is the provision of free interpretation for all clients in criminal cases. This service is available in any language and in any location.

Crown Attorneys have expressed an interest in strategies to more effectively conduct interpreter assisted examinations of witnesses. This might incorporate the use of simple, non-technical language when examining witnesses who are not fluent in English or French and when interpreters are being used.

(3) Developing Equitable Recruitment, Hiring and Promotion Procedures for Racial Minorities.

The Ministry is pursuing its obligations to implement the Government of Ontario Public Service Employment Equity Policy.

The Ministry is committed to removing all institutional barriers to employment opportunity. This entails developing initiatives that promote full equality and representation for all groups of people in their attempts to access job opportunities.

(4) Equipping Staff with the Knowledge Needed to Serve a Multiracial Clientele.

Learning to avoid mistakes caused by cultural and linguistic barriers, and learning to deal with a

diverse workforce and clientele, can only improve our professional efficiency. Many staff have expressed the need to understand and be aware of the issues in order to communicate effectively with minority clients.

The Ministry Race Relations Committee has undertaken an assessment of staff race relations training needs. The studies indicate that training should focus on race relations issues that are relevant to staff responsibilities. Rather than stressing attitudes and feelings, the emphasis should be on enhancing practices and professional skills.

(5) Learning to Prevent, Reduce and Resolve Racial Tensions and Conflicts.

Intervention in a racial incident poses difficulty for staff. "Is it really racism that I'm dealing with here?" "Am I acting alone or with the support of the Ministry?" "Who can help to resolve this problem?"

A formal mechanism is important for both Ministry staff and clients who believe they have been the subject of racial abuse or discrimination. The case of a staff member, for example, who is telling racist jokes or making racial comments needs to be handled by management quickly and effectively.



The Human Resources Secretariat is establishing procedures to deal with racial harassment. In addition, the Ministry of Citizenship has established "Guidelines for the Management of Racial Incidents" that describe an internal response procedure. The Ministry of the Attorney General, in consultation with the Human Resources Secretariat and the Ministry of Citizenship, will implement a mechanism for resolving racial tensions in the workplace.

(6) Ensuring Ministry Communications Portray a Positive and Balanced Picture of Racial Minorities.

The Ministry is reviewing existing and new communications to ensure a positive and balanced portrayal of racial minorities. The Communications Branch has developed a mailing list of ethnic and racial minority newspapers for press releases from the Ministry. The Ministry is also undertaking a review of existing public legal education materials with an emphasis on accessibility to racial minority communities.

The above examples indicate the Ministry's commitment to action in the area of race relations. Delivering programs and services that are accessible and responsive to the needs of Ontario's racially diverse population is a high priority for the Government of Ontario and the Ministry of the Attorney General. If we are to continue to be effective in a changing world, serving a changing community and workplace, then all of us must engage in a process of planned change involving every individual and every division within the Ministry.

Racial Diversity — Let's Do It Justice!



For further information please contact:
Ministry of the Attorney General
Race Relations Committee
c/o Communications Branch
3rd Floor, 720 Bay Street
Toronto, Ontario M5G 2K1

Tel: 326-2220

APPENDIX

I – THE POLICY FRAMEWORK

The Government of Ontario is committed to racial equality in its services. An excerpt from the Ontario Policy on Race Relations states that:

"Every person in Ontario has the right to a life free from racial discrimination and prejudice.

The Government will take an active role in the elimination of all racial discrimination, including those policies and practices which, while not inten-

tionally discriminatory, have a discriminatory effect. To this end, the Government is committed to:

- (a) Employment equity policies and practices within the public service and throughout Ontario that ensure quality of treatment and opportunity through affirmative strategies.
- (b) Government services to the public that reflect the particular needs and perspectives of racial minorities."

MINISTRY OF THE ATTORNEY GENERAL

II – CORPORATE OBJECTIVES ON RACE RELATIONS

PREAMBLE. Ministry of the Attorney General embraces the spirits of the Charter of Rights, the Ontario Human Rights Code, the Ontario Policy on Race Relations and the Multiculturalism Strategy.

In keeping with its legal and social responsibilities to deliver justice services to all Ontarians, this Ministry pledges to promote policies, programs and services which recognize the dignity and worth of individuals while fostering a climate where understanding, equality and mutual respect are ensured, regardless of race, culture, religion or language.

POLICY STATEMENT. It is the policy of this Ministry to:

- Assume a leadership role in the development of legislative initiatives which protect the rights of all people in Ontario and which foster an environment of respect for their race, ethnicity, language, culture and religion.
- Treat all members of the public with courtesy, sensitivity and respect, and with an awareness that implementing this policy may mean that different treatment is required in order to achieve an equitable result.



- Provide fair, equitable and harassment-free access to all Ministry services in all Ministry locations and ensure that these services are responsive to Ontario's diverse population. Access to services includes the concept of "accommodation short of undue hardship" (i.e., making changes to services and other elements of the client service environment which would improve access to services for all members of the public).
- Provide members of the public who issue a complaint against the Ministry of the Attorney General regarding racial, ethnic, linguistic, cultural, or religious discrimination with a fair review of these complaints and protection from reprisals.
- Reflect multiracial, multicultural and multilingual reality of the Ontario population in its communications, whether written or broadcast, in terms of the culturally appropriate content and visual or graphic representation of diversity.
- Ensure that new client programs and services are designed to be accessible and responsive to the diverse needs of Ontario citizens.
- Consult with community groups, advocacy groups and service groups on a regular basis to ensure that gaps in service delivery are identified and that efforts are made to meet the needs of a multiracial, multicultural and multilingual community.
- Continue to seek vigorous enforcement of the law and stronger penalties for crimes which have a racial motive.
- Continue to recognize the unique needs of various subgroups (women, men, youth, the elderly, new immigrants) within the racial and ethnic communities in implementing all of the above policy statements.

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